

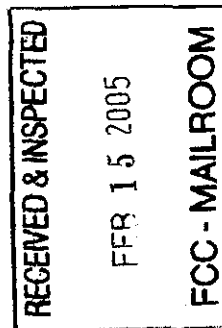


Federal Communications Commission
Washington, D.C. 20554

CYC 283
Imaging Ctr

February 10, 2005

Charles Crawford
4553 Bordeaux Avenue
Dallas, Texas 75205



Dear Mr. Crawford:

DOCKET

This letter refers to the petition for rule making you filed requesting the allotment of Channel 293C3 to Cranfills Gap, Texas, as the community's first local commercial FM service. To accommodate this allotment, you also proposed the relocation of reference coordinates for vacant Channel 293C3 at Llano, Texas.

A staff engineering analysis reveals that your petition is unacceptable for consideration at this time. In this instance, the proposed reference coordinates at 30-39-00 NL and 98-45-00 WL for vacant Channel 293C3 at Llano, Texas are short-spaced to the license site of Station KELZ-FM, Channel 294C, Terrell Hills, Texas (BLH-19850508KY). A rulemaking proposal must comply with the minimum distance separation requirements on the date it is filed. Section 73.208(a)(1) of the Commission's rules sets forth the reference points to be used in making this determination. The license site of Station KELZ-FM represents an authorized site, which must be protected pursuant to Section 73.208(a)(1) of the Commission's rules.

Further, your proposal is dependent upon the outcome of MB Docket No. 04-348. In this regard, the requested reference coordinates for Channel 293C3 at Llano are also short-spaced to a counterproposal filed in MB Docket 04-348 requesting the allotment of Channel 293A to Granite Shoales, Texas. There is no final disposition in that rulemaking proceeding because a *Report and Order* has not been issued. It is our policy to return any petition for rule making that is contingent upon another rulemaking proceeding, unless the decision in that proceeding is effective but not final. See *Auburn et al.*, 18 FCC Rcd 10333 (MB 2003).

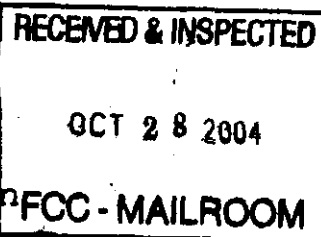
For the reasons stated above, we are returning your petition for rulemaking.

Sincerely,

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

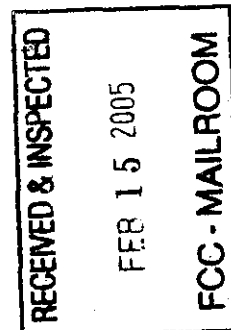
Enclosure

Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)
)
Amendment of 73.202 (b)) MB Docket No. _____
Table of Allotments)
FM Broadcast Stations)
(Cranfills Gap, TX)

To: John Karousos, Assistant Chief
Audio Division of the
Media Bureau



PETITION FOR RULE MAKING

Pursuant to 47 C.F.R. 1.401, Charles Crawford respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 293C3 at Cranfills Gap, Texas.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 293C3 to Cranfills Gap, Texas as that community's first local FM service. Cranfills Gap, Texas is an incorporated city with a population of 335 people.¹ As of the last quarter of 2000, 25 businesses in Cranfills Gap, Texas had been given a credit rating by Dun & Bradstreet according to the 2002/2003 Texas Almanac. Cranfills Gap has its own mayor, David

¹ Source, Texas Almanac 2002/2003

Whitte, its own post office, volunteer fire department, city offices², the Cranfills Gap public schools³ and a number of local churches. Cranfills Gap is a community that is certainly deserving of local FM service. The proposed channel 293C3 will provide additional diversity and an outlet for local self-expression to Cranfills Gap residents and therefore is in the public interest.

In order to allot Channel 293C3 to Cranfills Gap, Texas, the reference coordinates for the vacant allotment at Llano, Texas, Channel 293C3, must be moved approximately 14.08 km south. The proposed changes are as follows:

	<u>Present</u>	<u>Proposed</u>
Cranfills Gap, TX	-----	293C3
Llano, Tx	293C3	293C3

Attached hereto is a channel study confirming that Channel 293C3 can be allocated to Cranfills Gap, Texas, consistent with the FCC's FM separation rules provided the changes are made at Llano. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment A) Note: the petition to allot Channel 293C3 at Cranfills Gap, Texas was dismissed per FCC letter dated October 14, 2004. (See, Attachment B)

Reference coordinates for 293C3/ Cranfills Gap are:

² City of Granfills Gap, Texas (254) 597-2756.

³ Cranfills Gap, Texas public schools (254) 597-2225.

31 53 30 N
97 56 45 W

In order to allot Channel 293C3 to Cranfills Gap, the reference coordinates for the vacant allotment for Channel 293C3 at Llano, Texas must be moved approximately 14.08 km south. Attached hereto is a channel study confirming that the reference coordinates for the vacant allotment Channel 293C3 at Llano, Texas can be relocated approximately 14.08 km south consistent with the FCC's FM separation rules. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment C)

New reference coordinates for Channel 293C3 at Llano, Texas are:

30 39 00 N
98 45 00 W

Should this petition be granted and Channel 293C3 be allotted to Cranfills Gap, Texas, Petitioner will apply for Channel 293C3 at Cranfills Gap and after it is authorized, will promptly construct the new facility.

The factual information provided in this Petition for Rule Making is correct and true to the best of my knowledge.

Respectfully submitted,



Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 520-7077 Tele
(214) 443-9308 Fax

cc: Gene A. Bechtel, Law Offices of Gene Bechtel, Suite 600, 1050 17th Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, telecopier (301) 762-0156, attorney for Charles Crawford. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies to Mr. Bechtel as well as Charles Crawford.

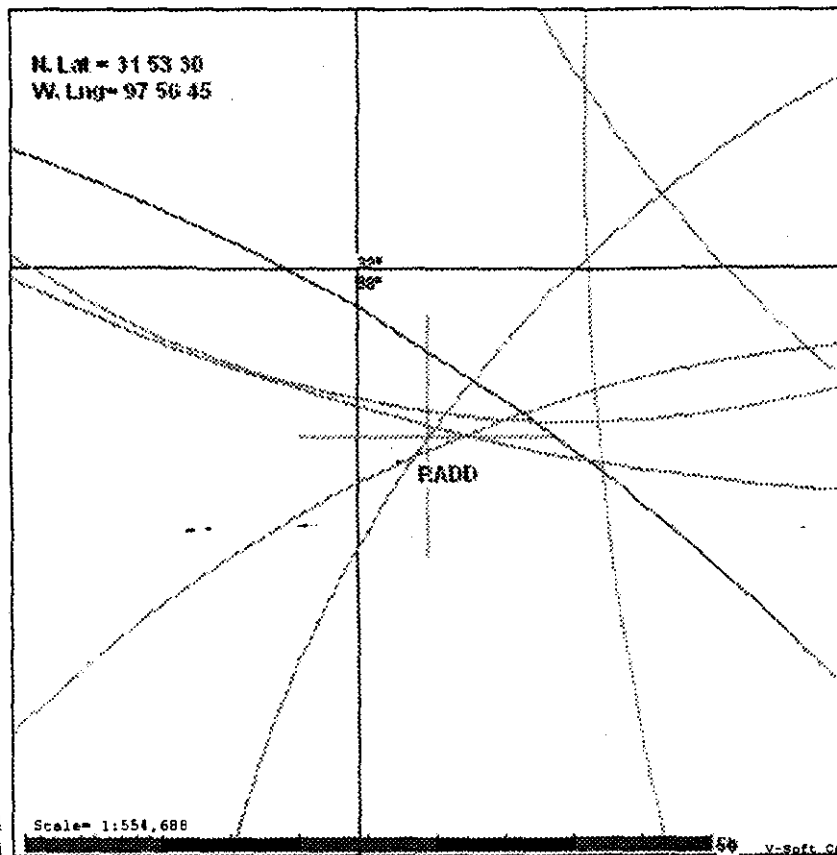
October 25, 2004

CranfillsGap

Attachment A

(Channel Study for Channel 293C3 at Cranfills Gap, Texas)

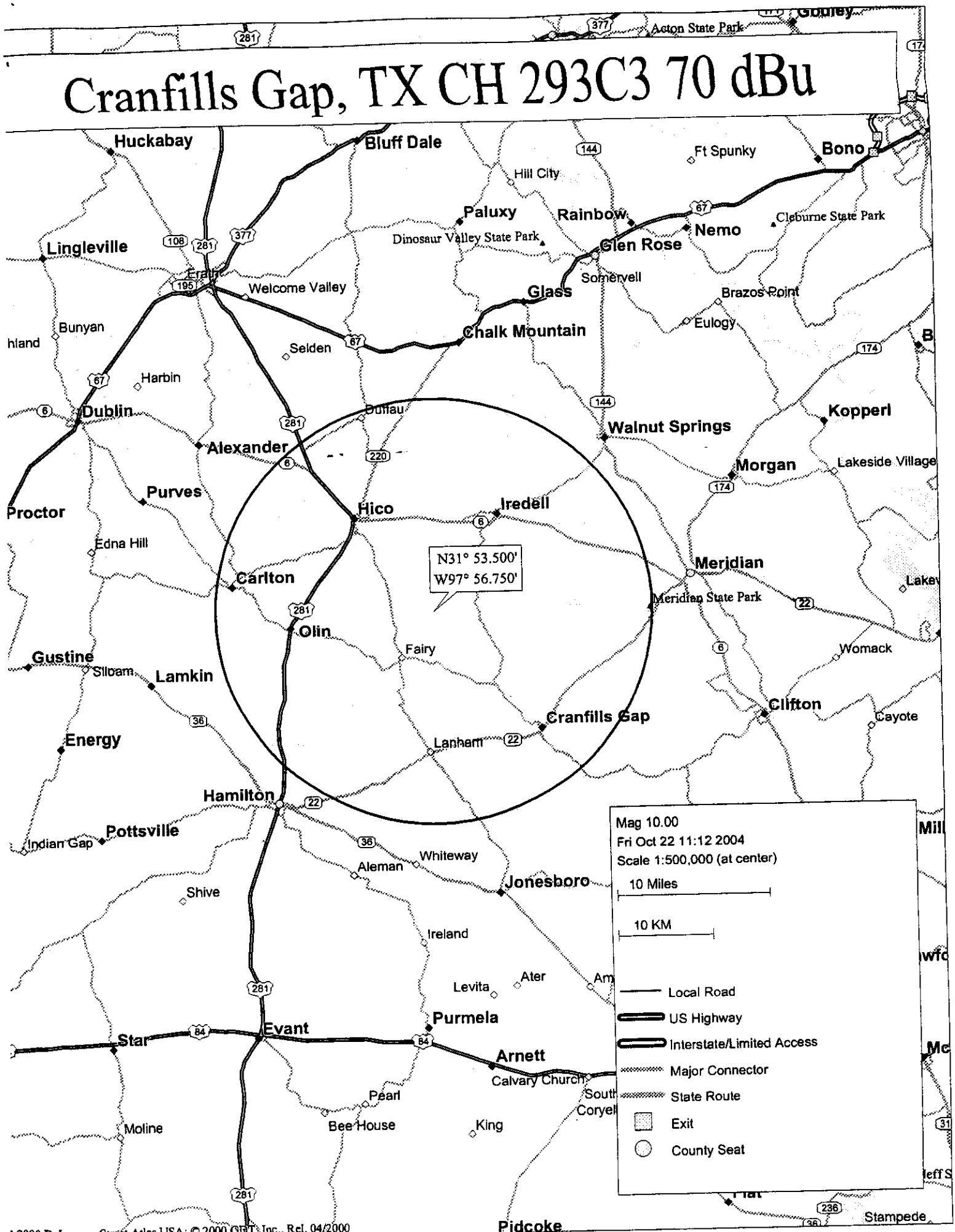
FM PROSP(™)LOCATE STUDY CH 293 C3 106.5 MHz



Dates:
Data:10-19-04
Job :10-22-04

Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
RADD	293C3	ADD	Cranfills Gap	TX	2.70	226.7	153.0	-150.30
DKEXX	293C3	VAC	Llano	TX	147.77	213.0	153.0	-5.23
AL294	294A	VAC	Hewitt	TX	89.12	126.4	89.0	0.12
KKDL	294C	LIC N	Muenster	TX	176.74	14.0	176.0	0.74
KOOC	292C3	LIC	Belton	TX	99.97	156.8	99.0	0.97
KDXX	296C1	LIC N	Benbrook	TX	77.76	7.9	76.0	1.76
KOOI.C	293C	CP	Jacksonville	TX	249.48	85.0	237.0	12.48
KOOI	293C*	LIC	Jacksonville	TX	249.48	85.0	237.0	12.48
KHKS	291C	LIC	Denton	TX	120.27	49.6	96.0	24.27
RADD	294A	ADD	Cross Plains	TX	131.46	281.2	89.0	42.46
KBALFA	291A	APP-Z	San Saba	TX	91.52	225.7	42.0	49.52
RADD	290C3	ADD	Rising Star	TX	99.15	283.7	43.0	56.15
KKHR	292C2	LIC	Abilene	TX	178.21	291.9	117.0	61.21
KFWR	240C1	LIC N	Mineral Wells	TX	88.04	346.7	24.0	64.04
KBALFM	291A	LIC	San Saba	TX	106.69	223.3	42.0	64.69
RDEL	291A	DEL	San Saba	TX	106.69	223.3	42.0	64.69
KBGO	239C2	LIC N	Waco	TX	82.55	120.4	17.0	65.55
RADD	291A	ADD	Richland Springs	TX	109.54	230.6	42.0	67.54

Cranfills Gap, TX CH 293C3 70 dBu



Attachment B

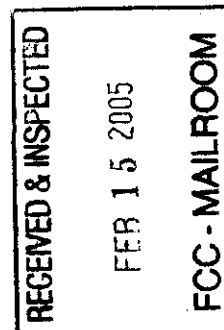
(FCC letter dismissing the petition to add Channel 293C3 at Cranfills Gap, Texas)



Federal Communications Commission
Washington, D.C. 20554

October 14, 2004

Mr. Charles Crawford
4553 Bordeaux Avenue
Dallas, Texas 75205



Dear Mr. Crawford:

This is in response to the petition for rule making that you filed on April 15, 2004, proposing the allotment of Channel 293C3 at Cranfills Gap, Texas, as the community's first local aural transmission service.

We have reviewed your proposal and find that it is unacceptable for consideration at this time. Although you note that the construction permit for Station KEXX(FM), Channel 293C3 at Llano, Texas "was automatically forfeited as of September 8, 2003," the allotment is now vacant and subject to future auction. Accordingly, the reference coordinates for vacant allotment Channel 293C3 at Llano must be protected. The reference coordinates (31-52-30 NL and 97-58-00 WL) specified in your proposal for Channel 293C3 at Cranfills Gap, are short-spaced to the Llano vacant allotment, and is in violation of Section 73.207(b)(1) of the Commission's Rules.

Based on the reason stated above, we are returning your petition for rule making. You may refile your petition, provided your proposal meets all of the minimum spacing requirements of Section 73.207 of the Commission's Rules.

Sincerely,

John A. Karousos

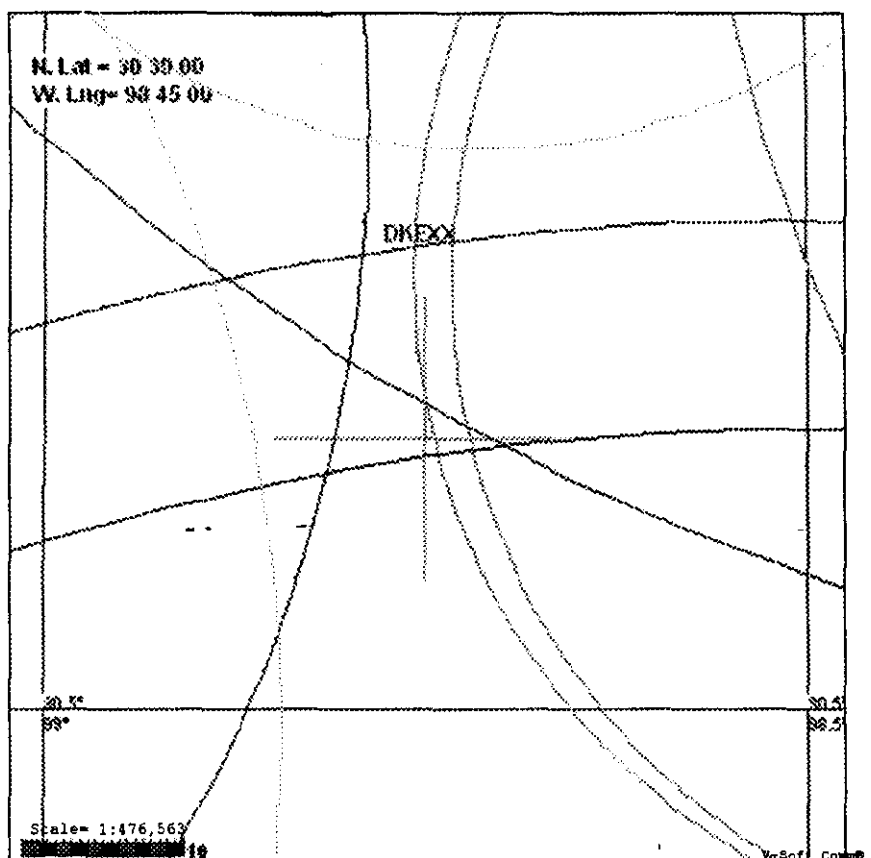
John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosures

Attachment C

(Channel Study for Channel 293C3 at Llano, Texas)

FM PROSP^(TM) LOCATE STUDY CH 293 C3 106.5 MHz



Dates:

Data: 10-19-04

Job : 10-22-04

Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
DKEXX	293C3	VAC	Llano	TX	14.08	344.7	153.0	-138.92
KELZFM	294C*	LIC	Terrell Hills	TX	164.08	172.0	176.0	-11.92
KHLB.C	295A	CP -Z	Burnet	TX	42.61	76.1	42.0	0.61
RADD	294C0	ADD	Terrell Hills	TX	164.08	172.0	163.0	1.08
RADD	294C0	ADD	Terrell Hills	TX	164.08	172.0	163.0	1.08
RADD	293C3	ADD	Cranfills Gap	TX	154.96	28.5	153.0	1.96
KHLB	295A	LIC-Z	Burnet	TX	44.80	77.4	42.0	2.80
RADD	292A	ADD	Menard	TX	94.55	281.9	89.0	5.55
AL292	292A	VAC	Junction	TX	99.62	259.9	89.0	10.62
RDEL	292A	DEL	Junction	TX	99.62	259.9	89.0	10.62
KBALFM	291A	LIC	San Saba	TX	60.02	3.1	42.0	18.02
RDEL	291A	DEL	San Saba	TX	60.02	3.1	42.0	18.02
KOOC	292C3	LIC	Belton	TX	125.20	68.2	99.0	26.20
RADD	291A	ADD	Richland Springs	TX	68.46	353.2	42.0	26.46
KBALFA	291A	APP-Z	San Saba	TX	74.53	8.3	42.0	32.53
RADD	240A	ADD	Burnet	TX	47.54	64.1	12.0	35.54
RADD	296A	ADD	Brady	TX	78.48	312.4	42.0	36.48
AL291	291A	VAC	Kerrville	TX	78.61	209.3	42.0	36.61
VA240	240A	VAC	Burnet	TX	49.12	62.7	12.0	37.12
AL293	293A	VAC	Eldorado	TX	179.71	277.7	142.0	37.71
RADD	291A	ADD	Center Point	TX	80.50	199.8	42.0	38.50
RADD	294A	ADD	Eden	TX	128.25	297.0	89.0	39.25
KFMK	290C2	LIC N	Round Rock	TX	98.20	111.5	56.0	42.20
AP291	291A	APP	Kerrville	TX	86.19	206.0	42.0	44.19
KQQT	292C3	LIC	Gonzales	TX	148.47	135.8	99.0	49.47
KOTY.C	239C2	CP	Mason	TX	68.13	262.2	17.0	51.13
RDEL	239C2	DEL	Mason	TX	68.13	262.2	17.0	51.13
KGSR	296C2	LIC N	Bastrop	TX	126.86	117.3	56.0	70.86

Llano, TX CH 293C3 70 dBu

